

Appl. No. 09/846,459
Atty. Docket: 0445-0300P
Reply filed October 30, 2003

REMARKS

Applicants thank the Examiner for the thorough consideration given the present application. Claims 1, 3-6, 8 and 9 are currently being prosecuted. Claim 7 has been withdrawn from consideration. The Examiner is respectfully requested to reconsider his rejections in view of the amendments and remarks as set forth below.

Claim Interpretations

The Examiner indicated that claim 1 did not require the cutout part to be a complete opening. This is now been specified to eliminate any confusion. The last paragraph of claim 1 has also been amended to utilize the language of the amendment of December 23, 2002 as suggested by the Examiner.

Rejection Under 35 U.S.C. § 103

Claims 1, 5, 6 and 8 stand rejected under 35 U.S.C. § 103 as being obvious over Stone (USP 5,314,114) in view of Giblin et al. (USP 5,320,279). This rejection is respectfully traversed.

The Examiner points out that the Stone '114 reference includes a paper container in a hexahedral configuration having a main body,

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a lid member, an inner carton part with a concave cutout part on the front board and a severance guideline. The Examiner admits that this reference does not show the guideline extending from opposite ends of the connecting ridge line. This reference also does not disclose an inner carton part separate from the container.

The Examiner cited the Giblin et al. reference to show a carton with an inner carton part separate from the container.

Applicants disagree with the Examiner's understanding of the Stone '114 reference. In particular, the Examiner indicates that part 50 is a concave cutout part on the front board. Applicants disagree that this is a cutout part at all. Instead, part 50 is an overhanging flap, and as seen in Figure 2, is connected to the top of inner wall 42. It is folded over into a position 50' shown in Figure 2. It can also be seen in a side view in Figures 5 and 6. In Figure 4, while there appears to be a cutout, this is from the removal of part 56 which remains attached to the top. However, an opening is not formed since this area is backed up by flap 50. Accordingly, Applicants submit that the Stone '114 reference does not show a concave cutout.

Applicants have amended claim 1 to specify this opening in greater detail. In particular, the claim now states that the

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cutout portion is large enough to allow removal of contents of the box from the front. This is in addition to the cutout part being formed as a complete opening in the front part. It is clear that a complete opening is not formed in Stone '114 and it is also clear that it is not possible to remove contents from the box through this opening from the front. Accordingly, the Stone '114 reference does not show these features. Likewise, Giblin et al. does not show these features. In addition, neither of the references show the severance guideline extending obliquely downward. Accordingly, Applicants submit that claim 1 is not obvious over this combination of Stone '114 and Giblin et al.

Claims 1, 3, 5, 6 and 8 also stand rejected under 35 U.S.C. § 103 as being obvious over Stone '114 in view of Stone (USP 3,963,173) and Giblin et al. The Examiner cites the Stone '173 reference to show an inner carton part with a concave cutout part and a severance guideline. The Examiner points out cutout part 186 in Figure 19. However, column 9, line 30 indicates that cutout 186 is a "finger access recess". Further, it can be seen from Figure 19 that the size of opening 186 is not large enough to remove contents from the box through this opening from the front. Accordingly, this reference also does not show a cutout portion

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large enough to remove contents from the front. Accordingly, Applicants submit that even this three-way combination of references does not teach the invention as described in claim 1.

Claims 3-6,8 and 9 depend upon claim 1 and as such are also considered to be allowable. In addition, these claims each recite other features of the invention which makes these claims additionally allowable.

Claim 4 stands rejected under 35 U.S.C. § 103 as being obvious over either the two rejections applied to claim 1 and further in view of Wood et al. (USP 5,985,772). This rejection is respectfully traversed.

The Examiner cites the Wood et al. reference to show a packaging material including a paper base material, printed layer, an outer colored film and an inner film. However, Applicants submit that even if this reference does show these various layers, it still does not aid the other references in overcoming their deficiencies as noted above. Accordingly, Applicants submit that claim 4 is allowable over this rejection as well.

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Conclusion

In view of the above remarks, it is believed that the claims clearly distinguish over the patents relied upon by the Examiner, either alone or in combination. In view of this, reconsideration of the rejections and allowance of all of the claims are respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Robert F. Gnuse (Reg. No. 27,295) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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